

Appl. No.: 10/734,349
Amdt. dated 06/30/2005
Reply to Office action of March 30, 2005

Amendments to the Drawings

A replacement drawing sheet for FIGS. 3 and 4 is enclosed behind page 14 of this paper.
FIG. 3 has been amended to clarify element **21** as a circuit board as referred to in the specification.

REMARKS/ARGUMENTS

This paper is filed in response to the Office Action dated March 30, 2005. Applicant acknowledges with appreciation the Examiner's allowance of Claims 29 – 38. Applicant has amended the drawings, canceled Claim 25, and amended independent Claims 16, 26, and 28. Applicant has also amended the specification to delete reference to a prior commonly owned United States patent. Claims 16 – 24 and 26 – 38 are now pending. Applicant respectfully submits that the objections and rejections referenced in the Office Action have been overcome and that the present application is in condition for allowance.

Drawing Objections

On page 2, the Office Action objects to the drawings under 37 CFR 1.83(a). Specifically, the Office Action objects to the drawings as failing to include a circuit board, which is noted to be a claimed feature of the invention. Applicant has amended FIG. 3 of the drawings to more clearly indicate that element 21 represents the claimed circuit board. The Examiner is also directed to Figure 2 in which the circuit board 21 is also depicted. Written descriptions of the structure and operation of the circuit board 21 are provided at paragraphs 0021, 0024, and 0030 of the specification as filed. Accordingly, Applicant respectfully submits that the present drawings clearly comply with 37 CFR 1.83(a) and, thus, the objection raised in Office Action should be withdrawn.

Claim Objections

On page 3, the Office Action objects to Claims 17 and 25 as being identical. Accordingly, the Applicant has canceled Claim 25.

Claim Rejections Under 35 USC § 103

On pages 3 and 4, the Office Action rejects Claims 16, 17, 20 and 21 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 4,177,500 to Nicholl et al. ("the Nicholl patent") in view of U.S. Patent No. 5,833,350 to Moreland ("the Moreland patent"). The Nicholl patent is directed to a power failure light for providing emergency illumination via a

conventional light bulb when electrical power has been interrupted. The Nicholl patent discloses a power failure light including a housing 2, a light bulb 3 for providing external illumination, a pair of prongs 4 for connecting to an AC power receptacle, a rechargeable battery 6, a switching circuit 7 for responding to an interruption of power, and a diode 17 that serves as a charging/active indicator for the light bulb 3. *See* Figures 1-3 of the Nicholl patent; *see also* column 2, lines 26-40 and lines 54-58.

The Nicholl patent does not teach or suggest a lighting device comprising “at least one light emitting diode (LED) in electrical communication with corresponding electrical circuitry; a local electrical energy source for supplying electrical energy to said at least one LED; an LED drive circuit/boost converter; a control circuit in electrical communication with said at least one LED, said LED drive circuit/boost converter, and the power sensor... and a reflector positioned proximate to said at least one LED for reflecting light provided by said LEDs” as recited in independent Claims 16, 26, and 28 as amended. Further, the Nicholl patent does not disclose a lighting device “wherein upon sensing the disruption in the main power supply the power sensor signals said control circuit to engage said LED drive circuit/boost converter and, thus, operatively engage said at least one LED to illuminate” as is also required by the above amended independent claims 16, 26, and 28. The Nicholl patent further does not include any reference to an “LED drive circuit/boost converter 150” that is capable of engaging “the array of LEDs 30 to operate in either a rest mode or a high level luminance mode” as described in the present specification. *See* paragraph 0032, page 8, lines 11-13; and Figure 10.

The Moreland patent is directed to a switch plate that senses a loss of power and provides emergency indicator lights for isolating the location of the switch plate. The Moreland switch plate includes a circuit 50, a power source 58, and illumination means 56, which may include an array of up to 8 LEDs. *See* Figures 1 – 4 of the Moreland patent; *see also* column 4, lines 15-16. While the Moreland patent discloses a wall switch plate having LEDs that illuminate in response to a loss of electrical power, the Moreland patent does not cure the deficiencies of the Nicholl patent. In particular, the Moreland patent does not teach or suggest a lighting device having “a control circuit in electrical communication with the LED, [an] LED drive circuit/boost converter, and [a] power sensor” as required by independent Claims 16, 26, and 28 as amended. Further,

the Moreland patent does not disclose a lighting device “wherein upon sensing the disruption in the main power supply the power sensor signals said control circuit to engage said LED drive circuit/boost converter and, thus, operatively engage said at least one LED to illuminate” as recited in the above referenced independent Claims as amended. In view of the above, it is respectfully submitted that independent Claims 16, 26, and 28, as well as the claims that depend therefrom, are patentable over these references. As previously noted by the Examiner, Claims 29 – 38 remain patentable over these references as well.

On pages 5 and 6, the Office Action rejects Claims 26 and 28 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,412,542 to Mandy (“the Mandy patent”) in view of U.S. Patent Application Publication No. 2004/0120152 to Bolta et al. (“the Bolta publication”). The Mandy patent is directed to an emergency illumination device for elevator cabs. The Mandy lighting device discloses light fixtures 24, 26, an emergency lighting circuit 144, and an LED 230. *See* Figures 1 and 8; *see also* column 3, lines 39-49, column 7, lines 55-62, and column 6, lines 52-59. The Mandy patent teaches emergency lighting of the elevator cab via the non-LED light fixtures 24, 26 with an LED located on the elevator control panel behind an alarm button in order to illuminate the alarm button. *See* column 7, lines 55-62. The antiquated usage of indicator light LEDs taught by the Mandy patent is far removed from the lighting device of the claimed invention where the LEDs themselves provide emergency lighting that is not limited to illuminating an “alarm button” or switch plate and instead “broadcast a wash of light over an otherwise darkened room or corridor.” Paragraph 0006, page 2, lines 20-23 of the present application.

Similar to the Nicholl and Moreland patents noted above, the Mandy patent does not teach or suggest a lighting device comprising “at least one light emitting diode (LED) in electrical communication with corresponding electrical circuitry; a local electrical energy source for supplying electrical energy to said at least one LED; an LED drive circuit/boost converter; a control circuit in electrical communication with said at least one LED, said LED drive circuit/boost converter, and the power sensor... and a reflector positioned proximate to said at least one LED for reflecting light provided by said LEDs” as recited in independent Claims 16,

26, and 28 as amended. Further, the Mandy patent does not disclose a lighting device “wherein upon sensing the disruption in the main power supply the power sensor signals said control circuit to engage said LED drive circuit/boost converter and, thus, operatively engage said at least one LED to illuminate” as is also required by the above amended independent claims 16, 26, and 28.

The Bolta publication is directed to an LED light fixture **10** having an array of LED lights **12** that may be used in an emergency lighting system. *See* paragraph 0012 of the Bolta publication. However, similar to the references noted above, the Bolta publication does not teach or suggest a lighting device comprising “at least one light emitting diode (LED) in electrical communication with corresponding electrical circuitry; a local electrical energy source for supplying electrical energy to said at least one LED; an LED drive circuit/boost converter; a control circuit in electrical communication with said at least one LED, said LED drive circuit/boost converter, and the power sensor... and a reflector positioned proximate to said at least one LED for reflecting light provided by said LEDs” as recited in independent Claims 16, 26, and 28 as amended. Further, the Bolta publication does not disclose a lighting device “wherein upon sensing the disruption in the main power supply the power sensor signals said control circuit to engage said LED drive circuit/boost converter and, thus, operatively engage said at least one LED to illuminate” as is also required by the above amended independent claims 16, 26, and 28. Accordingly, the Bolta publication does not cure the deficiencies of the Mandy patent and, thus, Claims 16, 26 and 28, as well as the claims that depend therefrom, are patentable over these references.

In view of the preceding amendments and discussion provided above it is respectfully submitted that independent Claims 16, 26, 28, 29, and 38, along with each of the claims depending therefrom are patentable over the cited references. Accordingly, it is respectfully submitted that Claims 16 – 24 and 26 – 38 are now in condition for allowance.

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Other Amendments

Applicant has amended paragraph 0001 of the specification in view of § 201.11G of the Manual of Patent Examining Procedure, which permits deleting reference to prior patent applications.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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